1. Compendium of Supreme Court rulings regarding emergencies, necessary for immediate preservation, and necessary for support of state government. (Viken)

Hodges v. Snyder, 178 N.W. 575 (S.D. 1920): finding an Act to allow "two or more school districts of any kind may consolidate" is not "necessary for the support of state government and its existing institutions" and the emergency clause is therefore invalid.

State v. Pyle, 226 N.W. 280 (S.D. 1929): finding law that shifts a portion of a general property tax for use of the general fund to purchasers of automobiles does not fit within the two exceptions from referenda because it is not necessary. (Overruled in *State ex rel. Botkin v. Morrison*)

State v. Coyne, 237 N.W. 733 (S.D. 1931): finding an act that provides for the registration and licensing of motor vehicles may produce addition revenue to the state, resolving doubt on the question in favor of the Legislature, and therefore is "necessary for the support of state government."

Engelcke v. Farmers' State Bank of Canistota, 246 N.W. 288 (S.D. 1932): finding an Act regarding an agreement to reorganize an insolvent bank was not "necessary for the support of state government" because it lacks provisions for the "furnishing of funds or revenue to meet the needs and requirements of the state," and therefore the emergency clause was also invalid.

State ex rel. Botkin v. Morrison, 249 N.W. 563 (S.D. 1933): finding a law that provides property tax relief through tax revenues generated from a tax on automobile purchases is "necessary for the support of state government" due to the appropriation of funds derived from the tax.

Culhane v. Equitable Life Assur., 274 N.W. 315 (S.D. 1937): finding an Act passed by the legislature as declared to "extend the period of redemption from foreclosure and execution sales of real estate during an emergency declared to exist," is both necessary for the immediate preservation of the public peace, health, or safety" and the Act's declaration of "an emergency based upon prevailing conditions threatening the public peace, health, or safety" is a valid declaration.

State ex rel. Hurd v. Blomstrom, 37 N.W.2d 247 (S.D. 1949): finding a municipality's operation of a light and power system is a "proprietary rather than a governmental" function, and that a House bill passed with an emergency clause to prevent a municipality from allowing competition with the municipality in light and power services is not "necessary for the support of state government" making the emergency clause invalid.

State ex rel. Lindstrom v. Goetz, 47 N.W.2d 566 (S.D. 1951): finding a resolution for the extension of Yankton's boundaries is not "necessary for the immediate preservation of the public peace, health or safety, or support of the municipal government" because the power of a municipality to extend its boundaries is prescribed under a specific statute that was not followed by the passage of this resolution.

State ex rel. Kornmann v. Larson, 138 N.W.2d 1 (S.D. 1965): finding that the imposition of an excise tax at the same time as the state general fund has a surplus is "necessary for the support of state government" because the surplus is not "unreasonably large, considering project expenditures."

State v. Van Loh, 191 N.W.2d 294 (S.D. 1971): finding that the establishment of the office of commissioner of drugs and substances control was not "necessary for the . . . support of state government" because the term "support" under the applicable provision of the state constitution "does not extend beyond the furnishing of funds or revenue to meet the needs and requirements of the state," and the emergency clause was therefore invalid.

Gravning v. Zellmer, 291 N.W.2d 751 (S.D. 1980): finding that acts passed by the Legislature to acquire certain rail lines in order to preserve the existence of adequate rail service in the state is an "existing public institution" and is "necessary for the support of an existing public institution" based on deference to the Legislature on a "fairly debatable" subject, thereby making the emergency clause valid.

In the Matter of the Request for Advisory Opinion Concerning . . . H.B. 1388, 387 N.W.2d 239 (S.D. 1986): advising that the establishment of the South Dakota Agriculture and Business Development Authority is "necessary for the immediate preservation of public peace, health or safety" based on eight findings of fact within the legislation, and therefore that the emergency declaration was valid.

Breck v. Janklow, 623 N.W.2d 449 (S.D. 2001): finding the sale of the Cement Plant is "necessary for the support of state government and its existing public institutions," and therefore "no impropriety in the Legislature's attachment of emergency clauses to the bills effecting its sale."